UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/SR.6
5 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 31 January 1991, at 4 p.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

CONTENTS

Question of the violation of human rights in the occupied Arab territories, including Palestine (continued)

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 4.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1991/6-8, 60-62 and 65; A/45/3, 13 and Add.1, 35 and Corr.1, 84, 306, 503, 576, 595, 608-614 and 726)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1991/13 and 14; E/CN.4/1991/NGO/2; A/45/488)

1. Mr. VASILENKO (Ukrainian Soviet Socialist Republic) said that the right to self-determination was one of the most important legal elements of the current international order. Strict adherence to that right was an essential prerequisite for promoting human rights and was of major significance in building a democratic and civilized world.

2. The right to self-determination was a natural and inalienable right of every nation regardless of the forms of its existence at a given moment in history. The right of nations to self-determination implied not only the freedom of each nation to choose its political status and the forms of public life, but also the freedom to enjoy economic, social and cultural progress and to participate without disruption in all spheres of international life.

3. On 16 July 1990, the Supreme Soviet of the Ukrainian SSR had proclaimed that his country, as a sovereign national State, would henceforth develop within its existing boundaries on the basis of the exercise by the Ukrainian nation of its inalienable right to self-determination.

4. The processes of self-determination had also spread to other republics of the Soviet Union. An uneasy search was taking place for ways of establishing a new commonwealth of nations. In his delegation's view, such a commonwealth should be based on respect for the principle of genuine freedom of choice and not on the use of violence in any form. A recent statement by the Presidium of the Supreme Soviet of the Ukrainian SSR had stressed the unacceptability of the use of military force in the territory of any republic of the USSR to solve domestic, political and ethnic conflicts. All such conflicts must be solved by peaceful means.

5. The process of self-determination also took the form of co-operation among States in meeting their vital needs in the best possible way. In his view, the proposal made by President Mitterrand of France concerning the creation of an all-European confederation was consistent with the concept of a common European home put forward by President Gorbachev of the Soviet Union, and implied that a united European confederation, established on the basis of genuine freedom of choice, should consist of all European States, including the European republics of the Soviet Union. His country intended to participate fully in that process.

6. It was to be hoped that the States participating in the Conference on Security and Co-operation in Europe (CSCE) would support such a role for the Ukraine, since there were no legal obstacles to its direct participation either in international law or in the rules concerning the membership of CSCE. Any attempt to exclude a nation of 53 million from regional interchanges

would upset the normal process of co-operation in Europe. His country's aspiration to participate directly in the all-European process was based on the right of its people to freedom of choice, and could not be treated either as national egoism or provincial separatism.

7. The swift changes taking place in the world offered new opportunities for nations to realize their right to self-determination, and it was vital to remove all obstacles to their doing so. In that connection, he hailed the victory of the Namibian people in its long struggle against colonial and racist oppression. Unfortunately, the indigenous peoples of South Africa still did not enjoy freedom of choice. His delegation also resolutely condemned the cynical infringement by Israel upon the rights of the Palestinian people and the illicit Iraqi occupation of Kuwait, whose people had been subjected to brutal violence.

8. Currently, the peoples of 18 Non-Self-Governing Territories and 1 Trust Territory did not have the right to make a free and independent choice. The right of those peoples to self-determination and independence should be granted in accordance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

9. Mr. ERMACORA (Austria), said that the issue to which agenda item 4 related was only one of a multitude of human rights problems in that troubled region of the world. Over the years, his delegation, had like many others, repeatedly called upon Israel to desist from violating the rights of people compelled to live under occupation. Efforts to promote dialogue and negotiations had been successful only for a limited time. With the further deterioration in the situation that was currently occurring, many people were feeling disappointed and discouraged.

10. The invasion and illegal occupation of Kuwait by Iraqi military forces and Iraq's refusal to accept the resolutions adopted by the Security Council had to some extent diverted international attention from the plight of the Palestinians in the occupied territories. In addition, the difficult circumstances of the population had been further aggravated by a considerable reduction in the funds previously available from the Gulf region. The lack of such funds had serious consequences, especially in the medical field.

11. In his view, the key elements of a comprehensive, just and lasting solution to the conflict were, first, the implementation of Security Council resolutions 242 (1967) and 338 (1973), based on the principle of "land for peace", which was still the most widely accepted basis for a solution; secondly, withdrawal from the occupied territories; thirdly, respect for the right of all States, including Israel, to exist within secure and internationally recognized boundaries; fourthly, recognition of the national rights of the Palestinian people and participation by its legitimate representative, the Palestine Liberation Organization (PLO), in the negotiation process; and lastly, implementation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) to which Israel and other States in the region were parties.

12. He was firmly convinced that the Palestinian problem was the key issue in the Arab-Israeli conflict and that no durable solution would be possible without taking into account the legitimate right of the Palestinian people to

self-determination. For many years, his Government had been advocating direct contacts between the Israelis and the Palestinians, to pave the way for an international conference. Austria had again invited Palestinians and Israelis from non-governmental organizations to attend a regional seminar which was to be organized at Vienna by the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People. Such seminars had demonstrated that dialogue was possible, meaningful and promising.

13. The intifada symbolized the complete absence of dialogue, resulting in even more loss of life and suffering on the part of innocent civilians.

14. His Government had repeatedly protested against the practices of the occupying Power, such as the recent deportation of four Palestinians, which was totally in violation of the rules of international law, and particularly of the Fourth Geneva Convention. It was deeply concerned at the repeated and excessive use of firearms and tear-gas against women and children in situations where such use could not be explained by the need to maintain order, but must be seen as indiscriminate collective punishment and political repression.

15. Furthermore, under the pretext of maintaining security in the occupied territories, Palestinian activists were often detained for up to a year without legal proceedings. Curfews were arbitrarily imposed upon the Palestinian population for lengthy periods. Palestinians were expelled from their homes, houses and shops were destroyed and schools were closed. Despite some relaxation of those measures, many restrictions still remained, all of which were in flagrant violation of the Fourth Geneva Convention.

16. His Government also shared the growing concern of the Palestinian population at changes in the demographic composition of the occupied territories stemming from the arrival of Eastern European immigrants.

17. Confrontation and violence had reached new heights during the previous year with the tragic events at the Temple Mount in Jerusalem, in which some 20 Palestinians had been killed and more than 200 wounded. That incident, and the subsequent Israeli conduct, clearly demonstrated the need for action by the international community.

18. The firing of missiles aimed exclusively at the civilian population represented another gross violation of human rights and humanitarian law in the region.

19. Mr. SENE (Senegal) said that the question of human rights in the occupied Arab territories was at the very centre of one of the most dangerous world crises, the implications of which constituted a grave threat to international peace and security. More than ever before, the role of the United Nations and of the Commission was to assist the men, women and children of that region to transcend their distrust and fear, and to help bring an end to the violence which only incited hatred and extremism and dimmed any hopes for peace.

20. He emphasized the urgent necessity of implementing the provisions of the Fourth Geneva Convention in the territories occupied by Israel since 1967, as underscored by the relevant General Assembly and Security Council resolutions.

21. It was to be hoped that the efforts undertaken by various parties to defuse tensions in the region could initiate a process leading to peace. The problem of human rights in the occupied Arab territories could not be solved without a peaceful settlement of the Israeli-Palestinian-Arab conflict. Accordingly, his Government had always supported efforts to achieve lasting peace which could guarantee the safety of all States and enable all peoples in the region to enjoy their rights and freedoms. To that end, an international peace conference on the Middle East must be convened without delay.

22. Mr. HARUN-UR-RASHID (Bangladesh) said that the unresolved problem of Palestine and the unmitigated suffering of the Palestinian people and the denial of its inalienable right to self-determination had remained the greatest tragedy of the day. His delegation fully supported the heroic struggle of the Palestinian people. The intifada served as a clarion call to mobilize world opinion against a brutal suppression of freedom. Israel must withdraw from all the Arab territories that it was illegally holding, including the Golan Heights and southern Lebanon. His delegation reiterated its support for the early convening of an international peace conference, of which the Palestine Liberation Organization must be an equal and integral part. The problem of Palestine was at the heart of the Middle East crisis, and its settlement was a prerequisite for peace in the area.

23. His delegation was aware of the changes that had taken place in South Africa, but the racial structure of apartheid remained. Internal and external pressure must not be relaxed, and all necessary measures should be adopted to bring the apartheid system to a speedy end. Consistent with its stand against apartheid, his delegation had supported all relevant resolutions adopted by the United Nations, the Movement of the Non-Aligned Countries, the Organization of the Islamic Conference (OIC) and the Commonwealth aimed at the eradication of apartheid, and it called for the continuation of mandatory sanctions against the Pretoria régime until apartheid was totally dismantled.

24. The people of Afghanistan was still unable to exercise its right to self-determination, free from outside interference or intervention, or to install a Government of its choosing. It was essential to create the necessary conditions so that the vast numbers of Afghan refugees could return to their homes.

25. His Government advocated a comprehensive political settlement of the problem of Cambodia and reaffirmed its support for all initiatives aimed at finding a peaceful solution to that long-standing issue. It supported the efforts and enhanced role of the United Nations in that quest. It also welcomed the agreement reached among the permanent members of the Security Council. The people of Cambodia must be allowed freely to determine its own future without any outside interference or intervention.

26. Mr. AL-FARSY (Observer for Oman) said that the world had recently witnessed enormous changes in international relations that had had a positive impact on regional issues. It was to be hoped that such developments would also enhance respect for human rights. Certain problems still remained unresolved, however, and continued to constitute a threat to international peace and security. Human rights could not be exercised by one people to the detriment of another.

27. The forty-seventh session of the Commission was being held under difficult circumstances. In the Gulf region, the war had brought great destruction with thousands of victims. The invasion of the State of Kuwait had had an adverse impact on the region, and it was to be hoped that Iraq would withdraw totally from Kuwaiti territory, so that the legitimate Government of Kuwait could return and peace be restored.

28. Tension in the Gulf did not mean, however, that the situation in the occupied Arab territories, where human rights were violated daily, should be ignored. Israel continued to oppose a peaceful solution and persisted in ignoring the rights of the Palestinian people in disregard of international law. His Government supported the call for an international peace conference on the Middle East, which had become more urgent than ever. The Commission must assume its responsibilities in the face of the deteriorating human rights situation in the occupied Arab territories.

29. Although the Government of South Africa had taken some positive steps to improve the human rights situation in that country, it had yet to reject the heinous system of apartheid. It was to be hoped that the death-knell of that odious system would soon be sounded.

30. The international community had called for the establishment of a legal system to ensure the protection of human rights, regardless of race, colour, nationality or language. In that context, his delegation welcomed General Assembly resolution 45/145 on the convening of a World Conference on Human Rights in 1993.

31. Mr. SATER (Observer for Bahrain) said that, for the past 23 years, the Security Council, the General Assembly and the Commission on Human Rights had been adopting resolutions condemning Israeli violations of the human rights of the Palestinian people. Yet Israel had continued to ignore the will of the international community and had even stepped up its barbarous acts of imprisonment, summary trials, the murder of innocent people, the destruction of homes, mass arrests and expulsions. Those acts had been perpetrated not only by the Israeli occupation authorities but also by extremist Zionist settlers.

32. Israel was exploiting the current painful situation in the Gulf that had been brought about by the occupation by Iraq of the State of Kuwait. Israel was strengthening its efforts to stifle the intifada and was increasing the immigration of Soviet Jews. Gas masks had been distributed to Jews, but not to the Palestinians in the occupied territories. In October 1990, Israel had committed a criminal and shameful massacre at the Al Aqsa Mosque in Jerusalem. It was also preventing thousands of Palestinian refugees fleeing Kuwait from returning home.

33. The Commission on Human Rights must do more to make Israel comply with the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Fourth Geneva Convention. The creation of a national Palestinian State in the occupied territories in accordance with the relevant General Assembly and Security Council resolutions was a pre-condition for any settlement.

34. In the occupied Golan, Israel was pursuing its inhuman practices. Jewish settlers continued to arrive, houses continued to be demolished, and a policy of Judaization was being enforced. In Lebanon, Israel used security as a pretext to justify its arbitrary practices.

35. Ms. PONRAJAH (Liberation) said that, despite the Commission's appeals, the human rights situation of the people of Tamil Eelam was deteriorating rapidly, and the Sri Lankan authorities continued to act in violation of international humanitarian law. It had been reported that, since the renewal of the armed conflict in June 1990, more than 6,000 Tamil civilians had been killed by the Sri Lankan armed forces. Hundreds of persons had disappeared, and even refugee camps had become targets for military operations.

36. As a result of the continued bombing of the civilian population and the arbitrary extra-judicial killings of Tamil civilians, approximately 1 million Tamils had fled their homes, becoming displaced persons in their own homeland. About 200,000 Tamil civilians had sought refuge in southern India.

37. A de facto blockade had prevented the international media from reaching the affected areas of the north-east. However, the investigation team from the European Parliament, which had visited southern Sri Lanka, estimated that 60,000 Sinhalese had been killed by the Sri Lankan authorities over the past 18 months. That provided a chilling indication of the degree of institutionalized violence in Sri Lanka and of the probable scale of the activities of the armed forces in those areas controlled by the Government in the north-east.

38. It was most alarming, therefore, that the Sri Lankan Government had rejected the unilateral declaration of a cease-fire by the Liberation Tigers of Tamil Eelam, refused talks to set up a suitable monitoring mechanism for the cease-fire and had chosen instead to resume its genocidal attack on the Tamils.

39. In that connection, she drew attention to Amnesty International's recent three-month world-wide Sri Lanka campaign, launched on 26 September 1990. The systematic violations of human rights by the Sri Lankan Government over a period of four decades constituted evidence of the determined efforts by alien Sinhala Governments to subjugate and assimilate the Tamils within the framework of a unitary Sinhala Buddhist Sri Lankan State.

40. An urgent appeal must be made to the Sri Lankan Government to respond in a constructive manner to the peace initiative of the Liberation Tigers of Tamil Eelam and to agree to a political settlement of the conflict that respected the human rights and the right to self-determination of the Tamils in Sri Lanka. The Commission on Human Rights must send an investigation team to northern and eastern Sri Lanka to report on human rights violations there. Such a step would serve to halt the blatant and persistent human rights violations in Sri Lanka and compel the parties to the conflict fully to respect the universally accepted rules of humanitarian law.

The meeting rose at 5.30 p.m.